



City of Seattle

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Gregory J. Nickels, Mayor

**Department of Design, Construction and Land Use**

D. M. Sugimura, Director

**CITY OF SEATTLE  
ANALYSIS AND DECISION OF THE DIRECTOR OF  
THE DEPARTMENT OF DESIGN, CONSTRUCTION AND LAND USE**

**Application Number:** 2207752

**Applicant Name:** David Bennett

**Address of Proposal:** 3415 East Denny Way

**SUMMARY OF PROPOSED ACTION**

Master Use Permit for future construction of a 22-square foot addition and covered porch to an existing single family residence.

The following approval is required:

Variance - to allow a portion of the principal structure to extend into the required front yard (SMC 23.44.014(A)).

**SEPA DETERMINATION:** ☒ Exempt ☐ DNS ☐ EIS

☐ DNS with conditions

☐ DNS involving non-exempt grading or demolition  
or involving another agency with jurisdiction.

**BACKGROUND DATA**

**Site and Vicinity Descriptions**

The subject site is an approximately 7,249-square foot parcel on East Denny Way, just east of the intersection of East Denny Way with East Florence Court, 34<sup>th</sup> Avenue East, and 34<sup>th</sup> Avenue in Seattle's Madrona neighborhood. The front lot line along East Denny Way has a convex curve

and is approximately 87 feet in length. The lot is approximately 100 feet deep and abuts a 12-foot wide, improved alley. The property is zoned Residential, Single-family 5,000 (SF 5000) and is located in a mapped potential slide Environmentally Critical Area (ECA).

Within a three-block radius surrounding the subject lot, all but three (3) parcels are zoned either SF 5000 or SF 7200. (The area is also primarily developed with single-family residences.) The three non-residentially zoned lots are located on East Denny Way immediately east of the subject lot. These three parcels are zoned Neighborhood Commercial 1, with a height limit of 30 feet (NC1-30) and are occupied by commercial uses. The NC1-zoned parcel immediately east of the subject site is developed with a one-story structure that is built to the front and side lot lines. This structure is nonconforming to the current setback requirements of SMC 23.47.014(B)(1) which require a triangular setback area at the intersection of the lot's front and west side lot lines.<sup>1</sup>

Currently, the subject site is developed with one single-family residence. Through averaging provisions, the required front yard for the lot is 20 feet. This average is based on the 20-foot default for the single-family residence to the west and the 20-foot default for the commercial structure to the east (See SMC 23.44.014(A)(1) and 23.86.010(B)).

The front lot line of the subject lot is curved to follow the East Denny Way right-of-way; therefore, the required front yard area is also curved. However, the single-family residence constructed on the lot is rectangular in shape and is built between 21' 4" and 18' 10 3/4" from the front lot line. Therefore, although most of the structure is conforming as to the front yard requirement, the east corner of the house extends into the required front yard area by up to 1' 1 1/4".

### Proposal Description

The applicant proposes the addition of a 22-square foot, one and one-half story, covered front entry to the existing single-family residence. All interior portions of the entry addition would meet the front yard requirements for the subject lot. However, the addition's roof overhang and the landing for the exterior stairs would both project into the required front yard area beyond code limits, as discussed below.

#### Roof Overhang

The applicant has proposed a 30-inch eave overhang projecting from the proposed front entry addition. As proposed, the overhang would project 1' 11" (23 inches) into the required front yard area. Per SMC 23.44.014(D)(5)(a), external architectural details (including eaves) may project up to 18 inches into any required yard. Therefore, the proposed eave overhang would project into the required front yard a total of five (5) inches beyond the code standards.

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<sup>1</sup> More specifically, the setback area is measured by extending two legs of a triangle 15 feet along the front and west side lot lines from their point of intersection (See SMC Exhibit 23.47.014(A)).

*Landing for the Exterior Stairs*

The applicant has also proposed the construction of a set of concrete steps with a landing to access the proposed front entry. The stairs and landing would be 7' 6" (7 feet 6 inches) wide and project 5' 5" (five feet five inches) into the required front yard area. 1' 11" (23 inches) of the stairs would be covered; the remaining 3' 6" would be uncovered. The front yard exceptions set forth in SMC 23.44.0140(D) would allow uncovered steps to project into the front yard if no wider than 6 feet. Therefore, the proposed steps and landing exceed the code limits by a width of 18 inches.<sup>2</sup>

The applicant has applied for a variance from the front yard standards of SMC 23.44.014(A) for the future construction of the addition's overhang and stairs/landing as described above.

Public Comment

The 14-day public comment period ended December 18, 2002; no written comments were received.

**ANALYSIS - VARIANCE**

As provided in SMC 23.40.020, variances from the provisions or requirements set forth in the Seattle Municipal Land Use code shall be authorized only when all of the following facts and conditions are found to exist:

1. *Because of unusual conditions applicable to the subject property, including size, shape, topography, location or surroundings, which were not created by the owner or applicant, the strict application of this Land Use Code would deprive the property of rights and privileges enjoyed by other properties in the same zone or vicinity;*

The property at 3415 East Denny Way (the "subject lot") is subject to an unusual location condition in that it is adjacent to a commercially-zoned parcel. The parcel immediately east of the subject lot is zoned Neighborhood Commercial 1, with a height limit of 30 feet (NC1-30) and is developed with a structure occupied by a commercial use. This adjacent structure has been constructed up to the front lot line with no front setback. Therefore, if this structure were a single-family structure, its lack of front yard could be used in front yard averaging calculations for the subject lot. In that scenario, the required front yard for the subject lot would only be 10 feet,<sup>3</sup> and the property owner could build the proposed addition without seeking a variance. However, because the adjacent structure is not a single-family residence, it cannot be used for front yard averaging (See SMC 23.44.014(A)(1)).

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<sup>2</sup> SMC 23.44.010(D)(4) allows uncovered steps to project into required yards if the steps are no higher than four feet on average above existing grade, are no wider than six feet, and project no more than six feet into a required front yard. The steps meet the height and projection standards; only the width standard would be exceeded.

<sup>3</sup> The 10-foot front yard calculation would be reached by averaging the 0-foot setback on the NC1-zoned parcel to the east and the default 20-foot front yard for the house to the west of the subject lot (See SMC 23.44.014(A) and 23.86.010(B)).

As mentioned above, the subject lot is located within a predominantly single-family zoned area. As such, it is one of only two single-family zoned lots within approximately 500 feet that abut a commercial use.<sup>4</sup> Therefore, the subject lot is one of only two lots in the vicinity that cannot benefit from adjacency to single-family uses for calculating front yard requirements.

Therefore, the strict application of the Land Use Code would deny the property of rights and privileges enjoyed by other properties in the same zone and in the same vicinity.

2. *The requested variance does not go beyond the minimum necessary to afford relief, and does not constitute a grant of special privilege inconsistent with the limitations upon other properties in the vicinity and zone in which the subject property is located;*

The requested variance would not go beyond the minimum necessary to grant relief nor would it constitute a grant of special privilege. First, the applicant has proposed the addition's 30-inch eave overhang to project just five (5) inches into the front yard beyond what the code would allow. The five-inch additional projection would be set back 18' 2" from the property line. Therefore, the additional five-inch overhang would represent not only the minimum necessary for relief but would also be virtually unnoticeable from the street.

Second, the applicant has proposed that the addition's front steps and landing be constructed 18" wider than is allowed in a front yard. This also represents the minimum necessary request for relief. Not only would the proposed width represent the minimum necessary to create a useable landing at the front entry, but the width would also maintain the width of the existing steps accessing the house which currently measure 7' 6" wide but are located behind the required front yard area.

Therefore, the requested variance does not go beyond the minimum necessary to afford relief.

3. *The granting of the variance will not be materially detrimental to the public welfare or injurious to the property or improvements in the zone or vicinity in which the subject property is located.*

No material detriment or injury to the public welfare is anticipated as a result of this proposal. In the immediate vicinity, lots on the north and south sides of East Denny Way are primarily developed with single-family residences. Eight of the ten nearest single-family residences appear to be constructed within 15 feet of their respective front lot lines.<sup>5</sup> Therefore, allowing the proposed addition to extend within 18' 2" of the front property line and allowing the proposed addition's stairs to extend within 14' 8" of the front property line would be consistent with existing front yards in the vicinity. In addition, as noted above, the existing commercial structure immediately west of the subject site was constructed with no front yard.

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<sup>4</sup> The other single-family zoned lot that abuts a commercial use is 1811 36<sup>th</sup> Avenue East.

<sup>5</sup> There are five single-family residences west of the subject site on the same block face. Four of these five structures appear to have a reduced front yard. Likewise, four of the five houses located on the north side of East Denny Way facing the subject site also appear to have a reduced front yard.

Furthermore, as mentioned above, East Denny Way curves to the southwest at the subject site. This means that the other single-family residences on the south side of East Denny Way orient away from the subject lot as they, too, follow the curve. Therefore, these lots would be less impacted by the proposed addition than if located on a straight street.

Finally, no adverse comments were submitted during the 14-day public comment period for the application, implying that the area residents foresee no negative impacts on the public welfare resulting from the construction of the proposed addition.

Therefore, the granting of the variance would not be materially detrimental to the public welfare or injurious to the property or improvements in the zone and vicinity.

4. *The literal interpretation and strict application of the applicable provisions or requirements of this Land Use Code would cause undue hardship or practical difficulties.*

Strict application of the Land Use Code would cause both undue hardship and practical difficulties. First, the adjacent commercial structure in an NC1 zone creates an undue hardship on the subject property. The commercial structure itself is nonconforming to setback requirements because it is built up to the front lot line. If the lot were vacant, a new structure would be required to provide a 15-foot by 15-foot setback at the northwest property line to create a separation and transition between the commercial zone and a single-family zone (See SMC 23.47.014(B)(1)). Allowing the proposed addition to project slightly into the required front yard would (1) provide a reasonable transition between the commercial structure to the east and the single-family residence to the west and (2) mitigate the negative effects of the adjacent commercial structure's nonconforming setback. Meanwhile, this transition would not negatively impact the single-family residence to the west for the reasons set forth in response to Criterion #3.

In addition, the strict application of the Land Use Code would also result in practical difficulties. The applicant has designed the interior portion of the proposed front entry to comply with front yard requirements. In other words, no part of the new interior space would project into the required front yard. The only portions of the addition that would exceed code requirements are the five-inch overhang projection and the additional 18-inch stair/landing width. Both the overhang and the landing have been designed to provide an adequate space for protection from inclement weather at the front entry of the single-family home. Strict application of the Land Use Code would force a redesigned front entry that would reduce the area of shelter at the front entry, resulting in a practical difficulty.

Therefore, the literal interpretation and strict application of the applicable provisions of the Land Use Code would cause undue hardship and practical difficulties.

5. *The requested variance would be consistent with the spirit and purpose of the Land Use Code regulations for the area.*

One of the purposes of the Land Use Code is to set forth regulations that implement the policies of the Seattle Comprehensive Plan. For single-family residential areas, Comprehensive Plan Policy #6, Bulk and Siting, states that: "*The height and front yards of existing adjacent single family residences shall be used to determine bulk and siting patterns for future construction.*" As discussed above, eight of the ten single-family residences surrounding the subject site have existing reduced front yard areas. The requested variance would allow the applicant to construct a front entry addition that would project no further into the required front yard than other residential structures in the vicinity.

Therefore, granting the requested variance would be consistent with the spirit and purpose of the Land Use Code regulations for the area.

### **DECISION-VARIANCE**

The proposed variance to allow a portion of the principal structure into the required front yard is **APPROVED.**

Signature: \_\_\_\_\_ (signature on file) Date: March 3, 2003  
Leslie C. Clark, AICP  
Land Use Planner

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